

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

252 WOLFROCK REALTY REDEMPTION  
COMPANY; JOHN AINSWORTH AND  
LAUREN DALEY-AINSWORTH A/K/A  
LAUREN DALEY,

Plaintiffs,

v.

WELLS FARGO BANK, N.A. AS TRUSTEE FOR  
OPTION ONE MORTGAGE LOAN TRUST 2005-  
5,

Defendant

CIVIL ACTION NO. 1:16-cv-00126

**WELLS FARGO BANK, N.A. AS TRUSTEE FOR OPTION ONE MORTGAGE LOAN  
TRUST 2005-5'S MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2005-5, Asset-Backed Certificates, Series 2005-5 incorrectly captioned as Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2005-5 ("Wells Fargo as Trustee"), hereby moves this Court to dismiss the Complaint filed by Plaintiffs 252 Wolfrock Realty Redemption Company, John Ainsworth and Lauren Daley-Ainsworth a/k/a Lauren Daley.

In support of the instant motion, Wells Fargo as Trustee submits the accompanying Memorandum of Law.

WHEREFORE, Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2005-5, Asset-Backed Certificates, Series 2005-5 incorrectly captioned as Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2005-5, respectfully requests that the Court dismiss the Complaint filed by Plaintiffs 252 Wolfrock Realty

Redemption Company, John Ainsworth and Lauren Daley-Ainsworth a/k/a Lauren Daley, and enter judgment in its favor.

Respectfully submitted,  
WELLS FARGO BANK, NATIONAL  
ASSOCIATION AS TRUSTEE FOR OPTION  
ONE MORTGAGE LOAN TRUST 2005-5,  
ASSET-BACKED CERTIFICATES, SERIES  
2005-5

By: Its Attorneys

/s/ Samuel C. Bodurtha

Maura K. McKelvey, Bar No. 6770  
Samuel C. Bodurtha, Bar No. 7075  
Matthew R. Shechtman, Bar No. 8397  
Hinshaw & Culbertson LLP  
28 State Street  
24th Floor  
Boston, MA 02109  
617-213-7000  
617-213-7001 (facsimile)

Dated: April 22, 2016

### **HEARING REQUEST**

In accordance with LR, D.R.I. 7(e), Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2005-5, Asset-Backed Certificates, Series 2005-5 incorrectly captioned as Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2005-5, requests a hearing on its Motion to Dismiss and estimate that one hour will be required.

/s/ Samuel C. Bodurtha

Samuel C. Bodurtha

### **CERTIFICATE OF SERVICE**

I, Samuel C. Bodurtha, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 22, 2016.

/s/ Samuel C. Bodurtha

Samuel C. Bodurtha